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plied dedication is founded on doctrine of estoppel in pais, so that intent to dedicate need not actually exist in mind of owner.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 353.]

**10. Dedication (§ 37\*)—Street or Alley—Public User.**—Where public user is relied on to establish dedication to public of street or alley, user must be such as to indicate that public claim to way is as of right, and that owner is fully aware of extent and character of use, and does not object, though actual knowledge by owner need not be proved.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 355.]

**11. Dedication (§ 35 (1)\*)—Alley—Notice of Claim to Easement—Map Adopted by City.**—Adoption by council of city of map or plan of city on file in city engineer's office held not sufficient to give notice to owners of land shown as alley of city's claim of public easement, in order to raise against owners presumption of dedication.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 358.]

**12. Dedication (§ 44\*)—Public Use of Alley—Sufficiency of Evidence.**—In suit to restrain city of Richmond from claiming strip of land as public alley, on ground it had been dedicated to public use, unobjected to, evidence held to show that use by public was not unequivocally a use as of right.

Appeal from Chancery Court of Richmond.

Suit by Charles B. Keppler and others against the City of Richmond. From a decree dismissing the bill, plaintiffs appeal. Reversed, and decree entered for plaintiffs.

*Daniel Grinnan and Coke & Pickrell*, all of Richmond, for appellants.

*H. R. Pollard and Jas. Lewis Anderson*, both of Richmond, for appellee.

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BROOKS *v.* CLINTSMAN.

March 20, 1919.

[98 S. E. 742.]

**1. Deeds (§ 181\*)—Alteration by Parties.**—No erasure or alteration in a conveyance, or cancellation thereof by mutual consent, of the parties can divest an estate already vested by operation of a deed, in view of Code 1904, § 2413, providing that no estate in lands for a term of more than five years shall be conveyed unless by deed or will.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 445.]

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

**2. Estoppel (§ 70 (1)\*)—Equitable Estoppel—Change of Position.**—In suit by plaintiff to have herself declared grantee in a deed from which her son, now deceased, erased her name and inserted his own as grantee, the doctrine of equitable estoppel cannot be invoked against plaintiff simply because she permitted the son and his family to occupy the farm covered by the deed free from rent for several years.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 245.]

**3 Estoppel (§ 60\*)—Equitable Estoppel—Certainty.**—An equitable estoppel relied on to conclude another's known right of property must be certain to every intent, and is not to be taken by argument or inference.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 233.]

**4. Equity (§ 73\*)—Laches—Loss of Evidence.**—Contention that plaintiff's right to maintain suit to have herself declared grantee in a deed from which her son, now deceased, erased her name and inserted his own as grantee, is barred in consequence of her laches by which defendant, son's wife, is deprived of the benefit of the testimony of son, cannot be sustained; the son having died within less than one year after inserting his own name in the deed.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 96.]

**5. Gifts (§ 49 (4)\*)—Parol Gift of Land—Evidence.**—Evidence held insufficient to establish a parol gift of land from plaintiff mother to her son, now deceased, which gift could have been enforced either by him or those claiming under him in a suit for specific performance.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 724.]

**6. Gifts (§ 25\*)—Parol Gift of Land—Validity.**—Since Code 1904, § 2413, took effect, no parol gift of land is enforceable.

Sims, J., dissenting.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 717.]

Appeal from Circuit Court, King and Queen County.

Suit by M. L. Clintsman against Ida R. Brooks. Decree for plaintiff, and defendant appeals. Affirmed.

*Isaac Diggs* and *C. R. Sands*, both of Richmond, for appellant.

*J. D. Mitchell*, of Walkerton, and *Herbert I. Lewis*, of West Point, for appellee.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.